

LOBENSTEIN SEEKS TO OUST DELEGATE

(Continued from Third Page.)

III.

I think that the foundation for an information in the nature of quo warranto has not yet been laid, assuming for a moment that it is the proper course in this case. Such an information is a proceeding to try the right by which a man holds an office. It is not sufficient that he claims that he has been elected, or that the newspapers say so. He must do some act by virtue of that office before a court can intervene by writ of quo warranto to put him out.

IV.

The Constitution of the United States in my opinion, deprives the local courts of jurisdiction in the premises, and makes the validity of the congressional election a question with which the attorney general of the territory has nothing to do. Article I, section 5 of the Constitution declares that "Each house shall be the judge of the elections, returns and qualifications of its own members."

"Neither in England nor in the United States are there many offices of the legislative character which can be said to be within the reach of a quo warranto. About the only offices of this kind are members of the city council, the legislature of the various states, both houses of congress, and the English parliament, being the sole judges of the elections, returns and qualifications of their members; and where a legislative body has adjudged a person to be entitled to a seat, a court has no jurisdiction in quo warranto to oust him."

"The 21st Section of the 2d Article of the Constitution imperatively requires that 'The general assembly shall determine by law before what authority, and in what method, the trial of contested elections shall be conducted.' In fulfillment of the solemn obligation thus imposed, we find upon the statute book, in the election laws of the state, jurisdiction specially conferred upon various tribunals to hear and determine contests in regard to the election of the different public officers, and the mode prescribed in which such contests shall be conducted. The courts of common pleas in the several counties are especially designated as the 'authorities' before which the election of sheriffs and the various other county officers shall be contested and by which such contests shall be heard and determined. The senate of the state is by the same laws, invested with full jurisdiction to hear and determine any contest in regard to the election of governor, lieutenant governor, judge of this court, or of the court of common pleas, and other state officers. This legislation being not merely permitted, but enjoined by the Constitution, has, in effect, the same high sanction as though it had formed a part of that instrument. Jurisdiction being thus especially conferred upon other tribunals, and the mode of its exercise prescribed, it cannot be inferred that it was intended by the Constitution to be differently exercised by a proceeding in quo warranto, as at common law, or by the supreme court and district courts, under a mere general grant of jurisdiction in quo warranto. Public offices in this state do not exist in virtue of the common law. They are the creatures of the Constitution and the statute. * * * The peace and order of the community, as well as justice to the individual whose election is contested require that the fact of his election should not be subject to repeated judicial inquiry. To hold otherwise would be to degrade the right of contest in the statutory mode, from the rank which gave it a place in the Constitution, to a nagatory farce. Nor does the just protection of rights or interests, either public or private, require a dissenting holding." 15 Ohio State Reports, 133, State of Ohio vs. Wm. Marlow.

This principle extends not only to the national congress and the legislatures of the states that have like provisions, but even to inferior legislative bodies in the states, such as city councils, and so forth. In Commonwealth vs. Leach (44 Penn. State, 332) which was an application for quo warranto to try the title of the registrar to the office of councilman in the city of Philadelphia, and where the charter of the city had provided that a committee of councilmen should be judges of the election of members, the court said: "It is a well settled principle of the common law and of common sense that where a statutory remedy is given, with a statutory right, the common law remedies are withheld. And this principle is embodied in the Act of 21st of March 1806, which is very familiar in practice. The mode of trying contested elections for councilmen for Philadelphia is written in the Charter Act of 1850, and is the same as provided for contested elections of members of the senate and the house of representatives."

For the foregoing reasons I think it is not proper for me to make the territorial government a party to proceedings in the nature of quo warranto to test the validity of the election of Mr. Robert W. Wilcox. I do not express any opinion in regard to its validity. That, I think, is a matter for the Congress of the United States alone to determine.

I am, very sincerely yours,
E. P. DOLE, Attorney General.

Chamberlain's Cough Remedy in Chicago.

Higgin Bros., the popular South Side druggists, corner 60th street and Wentworth avenue, say: "We sell a great deal of Chamberlain's Cough Remedy and find that it gives the most satisfactory results, especially among children, for severe colds and croup." For sale by Benson, Smith & Co., general agents, Territory of Hawaii.

Notice is hereby given that the undersigned have this day formed a co-partnership under the firm name of Sun Kwong Sing, in the business of raising and general farming at Manoa, Island of Oahu, Territory of Hawaii, and that all of said partners reside in Honolulu, Oahu, aforesaid:

Choo Kie, Lai You,
Chung Kwei, Wong Hoon,
Hee Yip, Wong Nim,
Long Yan, Chu Ting,
Kok Leong, Sun Kwong Sing.

Dated, Honolulu, Oahu, H. T., November 1, 1900.

Notice is hereby given that the undersigned have this day formed a co-partnership under the firm name of Manoa Pineapple Company, in the business of raising pineapples and general farming at Manoa, Island of Oahu, Territory of Hawaii, and that all of said partners reside in Honolulu, Oahu, aforesaid:

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Geo. A. Martin
Fashionable Tailor
Room 3
Elite Bldg.
HOTEL STREET.

By Authority.

GENERAL HEADQUARTERS, TERRITORY OF HAWAII.

Adjutant General's Office, Honolulu, H. I., October 30, 1900.
General Orders No. 8.

The following is announced for the information of the National Guard of Hawaii:

1.—The resignation of Major J. M. Canara has been accepted, to take effect from October 26, 1900.

2.—An election will be held at regimental headquarters on Saturday, November 17, at 7:30 p. m., for the election of one major, First regiment, N. G. H., vice J. M. Canara, resigned.

Captain L. T. Kenake, A. D. C., general staff, will preside at said election.

By order of the commander-in-chief,
(Signed) J. W. PRATT,
Major and Acting Adjutant, General Staff.

NOTICE.

The adjourned annual meeting of the Honolulu Library and Reading Room Association will be held on Friday evening, November 16th, at 7:30 o'clock.
H. A. PARMALLEE,
Secretary.

NOTICE.

OF SPECIAL MEETING OF THE STOCKHOLDERS OF THE PEOPLE'S ICE AND REFRIG. CO., LTD.

In accordance with a resolution passed by the Board of Directors of the People's Ice and Refrigerating Co., this 12th day of November, A. D. 1900:

A special meeting of the stockholders of the People's Ice and Refrigerating Co., Ltd., will be held at the office of the Hawaiian Trust and Investment Co., Ltd., on the 25th day of November, 1900, at 10 o'clock a. m., for the purpose of considering the disposition of certain property of the company.

Honolulu, November 12, 1900.
WILLIAM O. ATWATER,
Secretary People's Ice and Refrigerating Co., Ltd.

NOTICE.

Notice is hereby given that the Pearl City cemetery will be open for interments on and after Monday, November 5, 1900. A special funeral train will leave the railroad station at 2:15 p. m. daily, remaining at the cemetery until after all interments.

The rates for transportation are one dollar for the corpse and fifty cents for the round trip for mourners.

Lots are now on sale at the office of the company, ranging in price from \$19 up, according to location and size. No other charges of any nature.

HAWAIIAN CEMETERY ASSOCIATION, LTD.
Room 3, Love Building, Fort St.

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CLASSIFIED ADVERTISEMENTS.

Classified Advertisements in this column will be carried at 10 cents a line first insertion; 5 cents a line second insertion; 25 cents per line per week; 20 cents per line two weeks; and 10 cents per line per month.

WANTED.

WANTED—To rent furnished house, close in; must have three bed rooms; good opportunity for parties going away to secure A1 tenant. Call or address E. S. Gill, Republican office.

WANTED—Position as salesman or manager soda works; experience in all kinds of merchandise and plantation stores; recently retired from business in California; references. Apply Atkinson, Magoon building, Merchant St., room 11.

WANTED—By a thoroughly competent and experienced person, a position as nurse and needlewoman or housekeeper in a good family; highest references can be given; open one week. Address M. G. Wethered, box 232, city.

FOR RENT.

FOR RENT—Nicely furnished front room for two; with or without board. 446 Punchbowl St.

FOR RENT—Two new brick stores, plate glass front on Hotel street. Apply to J. Oswald Luttid, New England bakery.

FOR SALE.

FOR SALE—One handsome Crown piano in perfect order with harp and mandolin accompaniment. Has been used only five times. Can be had at a reasonable price by applying at the Orpheum Cafe.

LOST.

LOST—A safe key and a postoffice key. Reward for return to The Republican.

LOST—On King, between South and Alakea streets, a brown purse with a silver cupid on the corner. Return to Josephine De Larigue, Alakea street, opposite Y. M. C. A., for reward.

LOST—A bay horse with a white spot on left fore shoulder has been lost. Horse is the property of Robert Parker, Jr., and if returned to the police station a reward will be paid.

LOST—By accidental gate opening, a large bay-colored Californian mare; weight about 900 lbs.; faint star on forehead; fat condition; a little puma on irritation on face, but healing; right hind foot a little white. Finder please notify police station and reward will be paid.

STOLEN—From in front of Chas. Lind's restaurant, Nuuanu street, a black pacer horse in saddle; white spot on forehead and branded "T-E" (connected) on right hind leg. Liberal reward if said animal is returned to police station.

For Sale!

THE PRICES ARE RIGHT.

ONE PACING TEAM.
ONE PACING SINGLE DRIVER.
TEN HEAD HACK HORSES.
ONE FAMILY CARRIAGE TEAM.

The above are all guaranteed sound, able, young animals.
Also several 3-minute and better Roadsters.

Apply to
WILLIAM CUNNINGHAM.

FOR SALE Kalihi Property

Two lots 50x100.
One lot 100x100 on which is a house containing six rooms. For particulars apply to DAVID K. UNAUNA, Wilder S. S. Warehouse, Esplanade.

BEAVER LUNCH ROOMS

H. J. Nolte has just received a new lot of celebrated

FIVE CENT CIGARS.

New York Capadura's, Washington Allston, Union de Cuba, Grand, Republic, Figaro, Jackson Square Renown's, Etc.

Also:

Key West Cigars, La Deliciosa and El Mas Noble.

H. J. NOLTE, FORT STREET.

NOTICE.

The stock ledger of the Inter-Island Steam Navigation Company, Ltd., will be closed to transfers from November 15 to December 15 inclusive.

C. H. CLAPP, Secretary.
Honolulu, Nov. 9, 1900.

C. H. BROWN SANITARY PLUMBER.

Estimates made on everything in the plumbing line.
Office Territorial Stables Building, King Street.

PHONE : : : MAIN 48.

PACIFIC TRANSFER CO.

227 King St., Next to Bailey's Cylinders.

EXPRESS WAGONS, DRAYS, LUMBER WAGONS AND DUMP CARTS

ALWAYS ON HAND.

TRUNKS, FURNITURE AND SAFES CAREFULLY HANDLED.
TELEPHONE : : : MAIN 95

J. H. FISHER & CO.,

Members of Honolulu Exchange

Stock and Bond Brokers

411 FORT STREET.

Advances Made on Approved Security

The Hawaiian

Hardware Co., Ltd.

Importers and Dealers in

Hardware, Crockery, and Glassware

2, 3 and 4 Light Chandeliers and Electric Lamps, Metal and Glass Lamps, Lamp Fixtures

Paints, Oils and Varnishes,

Lard oil, Cylinder oil, Dynamite oils, etc. Powder, Shot and Caps, Agricultural Implements, etc.

House Furnishing Goods, Etc.

Silver Plated Ware of all descriptions Table Cutlery etc.

Plantation Supplies of

Every Description.

Hart's Patent "Duplex" Die Stock for Pipe and Bolt Cutting; Rubber Hose, plain or wire bound, etc.

Agents for

The Aermotor,

Made of steel and will last longer and give better satisfaction than any other manufactured.

Orders from the other Islands solicited and promptly filled

Wm. G. Irwin & Co

—LIMITED—

Offer for Sale:

REFINED SUGARS.

Cube and Granulated.

PARAFFINE PAINT CO.'S

Paints, Compounds and Building Papers.

PAINT OILS,

Linseed—Raw and Boiled.

Linseed—Raw and Boiled.

INDURINE,

Water-proof cold-water Paint, inside and outside; in white and colors.

FERTILIZERS

Alex. Cross & Sons' high-grade Scotch fertilizers, adapted for sugar cane and coffee.

N. Omlandt & Co.'s chemical Fertilizers and finely ground Bonemeal.

STEAM PIPE COVERING,

Reed's patent elastic sectional pipe Covering.

FILTER, PRESS CLOTHS,

Linen and Jute.

SEMENT, LIME & BRICKS

Agents For

WESTERN SUGAR & FLOURING CO.,
San Francisco, Cal.

BALDWIN LOCOMOTIVE WORKS,
Philadelphia, Pa., U. S. A.

NEWELL UNIVERSAL MILL CO.,
(Manf. "National Cane Shredder")
New York, U. S. A.

OHLANDT & CO.,
San Francisco, Cal.

HISDON IRON AND LOCOMOTIVE WORKS,
San Francisco, Cal.

Old papers for sale at this office.

The White House

420 Fort Street.

New

Shirt

Waists

Up to Date

STANLEY WAISTS

With Pointed Sleeves

Crown Tailor made Waists with the Latest Collar. These Waists are New and very Stylish.

AMERICAN DRY GOODS ASS'N, Ltd.

OUR:

NEW STORE

Cor. Fort and Hotel Sts.

— Importing Tobacconists —

American, English, Turkish and Egyptian Cigarettes

CONSTANTLY ON HAND!

The Honolulu Tobacco Co., Ltd.,



INVINCIBLE TYPEWRITER SUPPLIES

are the best obtainable, and are sold at most moderate prices. Whatever variety of supplies you wish, you will find it here, embodying the sterling qualities of reliability, convenience and economy.

UNITED

TYPEWRITER AND SUPPLIES CO.

327 Montgomery Street,
San Francisco, Cal.

The Hawaiian News Co., Ltd.

Sole Agents -- Hawaiian Islands.

To if I owe my Health
Rainier Bottled Beer
Is a Tonic and has more nourishing qualities than any Tonic or beverage in the market.
For Sale by All Dealers.

Read The Honolulu Republican.

ROBERT GRIEVE

Publishing Co. Ltd.